

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00181

ROGER D. CHAPMAN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 24, 2019, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant, Roger D. Chapman, appeared in person and by his counsel, Philip B. Sword, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a four-year term of supervised release in this action on September 6, 2018, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on September 6, 2018.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by his admission to the probation officer on September 14, 2018, that he had used methamphetamine and buprenorphine on or about September 9, 2018; a positive urine specimen submitted by him on November 15, 2018, for amphetamine and methamphetamine, the defendant having signed a voluntary admission form acknowledging his use of methamphetamine on November 13, 2018; and a positive urine specimen submitted by him on January 7, 2019, for methamphetamine, which was confirmed positive from the national testing laboratory on January 12, 2019, the defendant having denied any use of the controlled substance; (2) the defendant failed to pay restitution as ordered by the court inasmuch as he was ordered to pay restitution at the rate of \$100 per month and since September 6, 2018, has made only one payment of \$100 toward restitution, leaving a remaining balance of \$125,436.70; and (3) the defendant failed to abide by the special condition that he spend a period of five months at Dismas Charities inasmuch as he entered the program on September 12, 2018, but

was terminated on January 15, 2019, after failing to abide by the rules and regulations of the facility; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

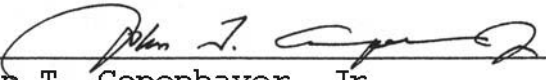
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of forty-two (42) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts

(National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he participate in drug abuse counseling and treatment as arranged by the probation officer including individual and group sessions, and random urine screens. The restitution balance is hereby reimposed and the defendant shall make monthly payments thereon at the rate of \$100 per month.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 22, 2019


John T. Copenhaver, Jr.
Senior United States District Judge